

AMENDED IN ASSEMBLY MAY 10, 2011

AMENDED IN ASSEMBLY APRIL 26, 2011

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 28

Introduced by Assembly Member Huber

December 6, 2010

An act to amend Sections 4004, 8000, 8001, and 8052 of, to repeal Sections 495, 8002, and 8051 of, *and to repeal Chapter 3 (commencing with Section 2600) of Division 2 of, and to repeal Article 3 (commencing with Section 8000) of Chapter 4 of Division 3 of, the* Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 28, as amended, Huber. Commercial vehicles: Reciprocity Commission.

Existing law establishes the Reciprocity Commission composed of the Lieutenant Governor, the Director of Motor Vehicles, the Director of Transportation, the Controller, and the Commissioner of the California Highway Patrol for the purpose of, among other things, entering into agreements with foreign jurisdictions that provide for the exemption of fees for commercial vehicles if the foreign jurisdictions provide equivalent exemptions to vehicles registered in California.

Existing law authorizes the Reciprocity Commission to enter into agreements on behalf of the State of California with the duly authorized representatives of any foreign jurisdiction providing for the registration of vehicles on an apportionment or allocation basis and to enter into, and become, a member of the International Registration Plan Agreement

developed by the American Association of Motor Vehicle Administrators.

The bill would ~~delete those provisions authorizing the Reciprocity Commission~~ *instead authorize the director, or his or her designee*, to enter into agreements on behalf of the state with the duly authorized representatives of any foreign jurisdiction.

Under existing law, a commercial motor vehicle registered in a foreign jurisdiction, subject to registration in this state, may, as an alternative to registration in this state secure a temporary registration to operate in this state for a period of not to exceed 90 days, or a trip permit to operate in this state for a period of four consecutive days. This privilege does not extend to a vehicle registered in any jurisdiction with which the state of California does not have vehicle licensing reciprocity, unless the commission extends the privilege, by rule, after hearing.

This bill would delete this prohibition against extending this privilege.

Existing law authorizes the state, in administering the International Registration Plan, to collect all appropriate registration and license fees due other jurisdictions. Existing law provides that foreign jurisdictions that are members of the agreement are authorized to collect all appropriate registration and license fees due to the State of California, and remit those fees to this state pursuant to the terms of the agreement.

Existing law requires the Director of Motor Vehicles to provide such assistance to the commission as it may require.

This bill would delete all references to the “Reciprocity Commission” and instead substitute the Director of Motor Vehicles, or his or her designee, who would administer the terms and conditions of the International Registration Plan and collect all appropriate registration and license fees due other jurisdictions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 495 of the Vehicle Code is repealed.
- 2 SEC. 2. Chapter 3 (commencing with Section 2600) of Division
- 3 2 of the Vehicle Code is repealed.
- 4 SEC. 3. Section 4004 of the Vehicle Code is amended to read:
- 5 4004. (a) (1) Commercial motor vehicles meeting the
- 6 registration requirements of a foreign jurisdiction, and subject to
- 7 registration but not entitled to exemption from registration or

licensing under any of the provisions of this code or any agreements, arrangements, or declarations made under Article 3 (commencing with Section 8000) of Chapter 4, may, as an alternate to registration, secure a temporary registration to operate in this state for a period of not to exceed 90 days, or a trip permit to operate in this state for a period of four consecutive days.

(2) Each trip permit shall authorize the operation of a single commercial motor vehicle for a period of not more than four consecutive days, commencing with the day of first use and three consecutive days thereafter. Every permit shall identify, as the department may require, the commercial motor vehicle for which it is issued. Each trip permit shall be completed prior to operation of the commercial motor vehicle on any highway in this state and shall be carried in the commercial motor vehicle to which it applies and shall be readily available for inspection by a peace officer. Each permit shall be valid at the time of inspection by a peace officer only if it has been completed as required by the department and has been placed in the appropriate receptacle as required by this section. It is unlawful for any person to fail to comply with the provisions of this section.

(b) The privilege of securing and using a trip permit or a temporary registration not to exceed 90 days shall not extend to ~~any~~ a vehicle that is based within this state and is operated by a person having an established place of business within this state. For purposes of this paragraph, a commercial motor vehicle shall be considered to be based in this state if it is primarily operated or dispatched from or principally garaged or serviced or maintained at a site with an address within this state.

(c) Any trailer or semitrailer identified in paragraph (1) of subdivision (a) of Section 5014.1 that enters the state without a currently valid license plate issued by California or another jurisdiction shall be immediately subject to full identification fees as specified in subdivision (e) of Section 5014.1.

~~SEC. 4. Article 3 (commencing with Section 8000) of Chapter 4 of Division 3 of the Vehicle Code is repealed.~~

SEC. 4. Section 8000 of the Vehicle Code is amended to read:
8000. ~~The Reciprocity Commission~~ director, or his or her designee, may enter into agreements with foreign jurisdictions that provide for the exemption of fees for commercial vehicles if the foreign jurisdictions provide equivalent exemptions to vehicles

1 registered in this state. The agreements shall be applicable to
2 vehicles that are properly licensed and registered in the foreign
3 jurisdictions. ~~The commission director, or his or her designee,~~
4 may also enter into agreements that provide for the exemption of
5 regulatory fees which are, or may be, imposed, by the Public
6 Utilities Code or the department.

7 *SEC. 5. Section 8001 of the Vehicle Code is amended to read:*

8 8001. ~~The Reciprocity Commission director, or his or her~~
9 *designee*, is authorized to examine the legal requirements of
10 commercial vehicle registration fee statutes of foreign jurisdictions
11 which grant reciprocal privileges to out-of-state vehicles, but which
12 do not authorize negotiations or execution of agreements. After
13 examination of the statutes, ~~the commission director, or his or her~~
14 *designee*, may declare the exemptions, benefits, and privileges that
15 commercial vehicles registered in foreign jurisdictions shall be
16 entitled to in this state.

17 *SEC. 6. Section 8002 of the Vehicle Code is repealed.*

18 ~~8002. All reciprocity agreements, rules and regulations~~
19 ~~authorized by this chapter shall be in writing and shall be approved~~
20 ~~by endorsement by the Attorney General, as to legality only. An~~
21 ~~agreement shall become effective upon approval of the Attorney~~
22 ~~General and shall remain in effect until revoked by act of the~~
23 ~~commission.~~

24 ~~SEC. 5.~~

25 *SEC. 7. Section 8051 of the Vehicle Code is repealed.*

26 ~~SEC. 6.~~

27 *SEC. 8. Section 8052 of the Vehicle Code is amended to read:*

28 8052. (a) The director, or his or her designee, may, on behalf
29 of the state, enter into, and become, a member of the International
30 Registration Plan Agreement developed by the American
31 Association of Motor Vehicle Administrators. The director, or his
32 or her designee, may adopt rules and regulations necessary to carry
33 out the provisions of the International Registration Plan or other
34 apportioned registration agreements entered into under the authority
35 of this article.

36 (b) In administering the International Registration Plan, the state
37 may collect all appropriate registration and license fees due other
38 jurisdictions. Foreign jurisdictions that are members of the
39 agreement shall be authorized to collect all appropriate registration

- 1 and license fees due to the State of California, and remit the fees
- 2 to this state pursuant to the terms of the agreement.

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